Fourth Review Conference
of the Parties to the Treaty
on the Non-Proliferation of Nuclear Weapons

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AUSTRALIA, AUSTRIA, CANADA, DENMARK, FINLAND, IRELAND, NETHERLANDS, NEW ZEALAND, NORWAY AND SWEDEN

Article IV: Suggested elements for language in Final Document of the NPT

Working Paper

The Conference affirms that the NPT creates a world-wide framework for international co-operation on the peaceful use of nuclear energy and the inalienable right of any Party to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II.

2. The Conference reaffirms the undertaking by all Parties to the Treaty, in accordance with Article IV and preambular paragraphs 6 and 7, to facilitate the exchange of equipment, materials and technological information for the peaceful uses of nuclear energy. In this context, the Conference recognizes the contribution that this can make to progress in general and to the elimination of technological gaps between the developed and developing countries.

3. The Conference recognizes the need for predictable long-term supply assurance with effective assurances of non-proliferation. The Conference notes the measures which the IAEA's Committee on Assurances of Supply (CAS) has recommended to the IAEA Board of Governors for alleviating problems in international shipments of nuclear items, emergency and back-up mechanisms, and mechanisms for the revision of international nuclear co-operation agreements. The Conference further notes the surveys which CAS has initiated on the current supply

situation on the international nuclear markets as background to continuing efforts to reach agreement on a set of principles for the assurance of supply and the assurance of non-proliferation.

4. The Conference underlines that the peaceful utilization of nuclear energy must be carried out under strict observation of the demands for safety and radiological protection. The Conference notes with the greatest regret the tragic nuclear accident that took place in Chernobyl, USSR, since the Third NPT Review Conference. It caused considerable damage to life and property within the USSR and it also affectedother countries.

5. The Conference welcomes the intensification of international co-operation in order to strengthen nuclear safety and radiological protection that has taken place since the Chernobyl accident, mainly under the auspices of IAEA. The conventions on early warning and assistance in case of a nuclear accident that may have trans-boundary consequences came into force in 1986. The nuclear-weapon States have undertaken to observe the provisions of these conventions in case of all nuclear accidents, including those involving military nuclear applications. The Conference recommends these conventions for adherence by all States.

6. The Conference affirms that the NPT can help to ensure that international co-operation in nuclear safety will take place in an appropriate non-proliferation framework. The Conference also recommends universal adherence to improved, internationally recognized guidelines for the siting, design, construction and operation of nuclear facilities and for all aspects of management and disposal of radioactive wastes including international transfers. The Conference commends the efforts of the IAEA in this respect and supports the maintenance of a continued high professional standard for the IAEA programme on nuclear safety and radiological protection.

7. The Conference acknowledges the importance of the IAEA as the principal agent for technology transfer amongst the international organizations referred to in Article IV (2) and welcomes the successful operation of the Agency's technical assistance and co-operation programmes. The Conference recognizes that the resources provided to and received from States Party under the Agency's Technical Assistance and Co-operation Fund represent an important contribution to the fulfillment of the undertakings in Article IV.

8. The Conference notes that the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy in Geneva in 1987 recognized the IAEA's key role in furthering such international co-operation and the development of such national programmes for economic and social development, especially in the developing countries.

9. The Conference recognizes the importance of the report by The World Commission on Environment and Development and the Environmental Perspective to the Year 2000 and Beyond and their endorsement in Resolutions 42/187 and 42/186 of the United Nations General Assembly. In response to the call by the General Assembly the IAEA has reported on its contribution to sustainable development. The Conference recommends the implementation of these Resolutions in the future activities of the IAEA.

10. The Conference records with appreciation that IAEA's technical assistance and co-operation programmes cover a wide spectrum of applications. The Conference notes that the Agency's assistance to the States Party to the Treaty has chiefly been required in the non-power uses of nuclear energy, notably in agriculture, medicine, industry and hydrology. The Conference recommends a widened co-operation with other specialized agencies in the United Nations family.

11. The Conference underlines the need to ensure that the IAEA has the financial and human resources necessary in order to meet effectively its responsibilities in the area of nuclear technical assistance and co-operation. The Conference welcomes the continued growth of the IAEA Technical Assistance and Co-operation Fund for the implementation of its programme of technical assistance and co-operation. In addition, extra-budgetary contributions have made it possible to realize many other projects in developing States Party to the Treaty.

12. The Conference notes the development of multi-year, multi-donor projects financed by extra-budgetary contributions to the IAEA as requested by last Review Conference. The Conference encourages greater support for regional co-operative arrangements, promoting regionally agreed projects and mobilizing inputs from countries in the region. It notes the continuing contribution of the Regional Co-operation Agreement for Asia and the Pacific, and welcomes the establishment since the last Review Conference of the Regional Co-operation Agreement for Latin America (ARCAL) and the African Regional Agreement (AFRA). These arrangements provide a valuable framework for regional development activities.

13. The Conference notes an increasing level of bilateral co-operation amongst Parties in the peaceful uses of nuclear energy, and urges that States in a position to do so continue and where possible increase the level of their co-operation in these fields. The Conference urges that preferential treatment be given to the non-nuclear-weapon States Party to the Treaty in access or transfer of nuclear supplies, taking particularly into account the needs of developing countries.

DIANA UNIVERSITY
JAN 1991

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ITALY

Problems related to the Nuclear Safety International Régime

Working Paper

The safety régime of nuclear activities in the field of civilian applications is carried out in two different stages:

- the definition of safety criteria and requirements whose meeting ensures the safe operation of plants (including the services of the fuel cycle);
- the whole set of activities and procedures aimed at verifying that the plants really comply with the recommended IAEA safety measures. The second stage covers the whole process of localization, design, construction, operation and dismantling of a plant.

These two stages always characterize all national contexts where nuclear programmes exist.

Today the safety régime basically relies on national initiatives which are already supplemented by many actions undertaken at international level.

A strengthening of the international safety régime could contribute to further increase these levels, thus standardizing the degree of safety reached in the different nations.

A strengthened international safety régime would also have the significant effect of enhancing the public confidence in the nuclear sector: in fact, the international dimension of the safety initiatives would be perceived as a further element of guarantee and credibility.

We can therefore wonder how to strengthen the international safety régime with particular reference to the two major phases above.

GE.90-69696/7466A

As to the definition of rules and regulations, the NUSS system was created by the IAEA. This system consists in a set of Codes and Guides drawn up by all member States and subjected to a continuous process of adjustment to the evolution of the nuclear technology. This revision process should now particularly aim at defining more stringent safety objectives for a new generation of reactors having a high content of inherent and passive safety.

At present the NUSS rules and regulations are a theoretical reference point for the individual national rules and regulations. Obviously each country would be free to autonomously supplement these rules and regulations in the framework of their own competences - which cannot be delegated - and in compliance with the international treaties undersigned. But the safety criteria adopted should not be less stringent than those agreed at international level.

The application aspects basically involve the authorities responsible for their control and management at national level. The overall volume of activities is substantial and it is therefore impossible to transfer the whole activity to an international organization. The application procedures must therefore continue and basically develop mainly at national level.

However, we can envisage procedures of permanent verification at international level, aiming at assessing the adequacy of the activities carried out in the individual countries. These procedures could be entrusted to an international control unit designed to assess the quality of the safety régimes implemented in the individual countries.

To this end it would be necessary:

- to begin with the review - already started by IAEA - of the control procedures existing in the different countries by identifying possible shortcomings and rationalization needs;
- to bridge the possible gaps and encourage the harmonization of the procedures existing in the various countries, particularly aiming at rationalizing them;
- to operate mechanisms for the continuous verification of the quality of the national safety régimes basically relying on the implementation of adequate quality guarantee programme, possibly "tailored" to each individual country or group of countries;
- finally, to carry out verification and controls by IAEA according to the criteria of the OSART, RAPART, etc., missions. Said missions, however, should not be made only upon request of the countries concerned - as is

the case now - but also upon an autonomous decision of the Agency on a systematic basis or when particular events occur. We should also envisage the possibility of integrated missions on the safety of plants which - unlike the present ones - do not only address specific aspects of the safety of plants themselves.

The system of tests and verification we have briefly outlined could be the subject of a specific international agreement to be negotiated with the above-mentioned normative and enforcement tasks.

This international agreement could also envisage the reaching of specific regional agreements to which the most politically and economically integrated countries would adhere. Within the EEC such a task could be entrusted to Euratom which would act upon delegation of IAEA in the framework of a specific agreement, similar to that one reached for the safeguard controls.

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DRAFT OUTLINE OF THE REVIEW OF THE NPT's OPERATION

Working Paper submitted by Bangladesh

I. Peaceful nuclear co-operation under Article IV.

II. Modalities of peaceful co-operation to make the NPT attractive.

III. Supportive back-up mechanism.

GE.90-69723/7490A

Peaceful nuclear co-operation including technology transfer is an obligation in terms of Article IV of the NPT. The Final Declaration of the Third Review Conference of the NPT stressed the need of such technology transfer and promotion of co-operation between the States Parties in the field of peaceful uses of nuclear energy. IAEA General Assembly resolution 439 of 1984 calls upon the IAEA, in accordance with Article XI of the Statute, to provide, upon request, assistance in securing financing from outside sources for nuclear power projects in developing countries and in particular the least developed countries and this was reiterated in the Final Declaration of the Third Review Conference. Technology transfer in the nuclear field can contribute to the elimination of existing technological and economic gaps between the developed and the developing countries.

The potential benefits of peaceful application of nuclear energy, however, did not reach developing countries members of NPT. There is a growing view that some incentives should be accorded to the NPT developing countries and these incentives could make NPT more attractive to other non-NPT member countries. The incentives could take the following modalities:

(a) Some economic incentives should be provided to the NPT member developing countries. For example, the projects in energy or non-energy area of these countries could have priority for consideration by the World Bank/UNDP/IAEA/other United Nations agencies.

(b) Nuclear co-operation on non-energy, i.e., nuclear application on food and agriculture, human health, industry, research and development, physical and chemical sciences, etc., could be given priority to the NPT member developing countries.

To support a nuclear power reactor of today's average size, a country needs a sizable electrical grid, experience with handling complex energy systems, and back-up sources of electricity if unforeseen circumstances force a shut-down. These conditions are not met today in many developing countries particularly in the least developed countries. For this reason it is essential that NPT developing countries particularly LDCs are given support to develop their energy systems on a broad basis, i.e., in the energy area in general. This will prepare the ground for their realizing the full benefits of nuclear energy in the further course of their development. IAEA, therefore, could be mandated to explore the possibility of strengthening the support base and back-up for establishing the peaceful nuclear energy programme.

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ADDITIONAL PAPER ON ARTICLE IV -
PEACEFUL ENERGY

Working Paper submitted by Bangladesh

Nuclear energy is applicable only in a generally healthy and well developing energy system. If tangible benefits are to be established which are not confined to a very small number of developing NPT members, we have to think about ways to see and to support energy in the broader context, i.e. energy in general.

There is no technical agency in the United Nations family other than IAEA to which States may turn for advice and assistance in the use of new and renewable energy sources. The IAEA, which already provides advice, on request, on the entire spectrum of the energy needs of its members, could with a minimal expansion of the range of its activities play a significant role in regard to new and renewable sources of energy.

Therefore, a special Energy Fund could be established exclusively accessible to NPT developing countries, particularly to the Least Developed ones.

It is evident that several important questions need to be considered before such a Fund could be operational. But it is advisable that the Conference agrees first on the Fund in principle and to establish a study on the specifics with a view to reporting back to the Parties in the course of 1991.

GE.90-69794/4368a

In view of the above, it is proposed that the Conference urges IAEA to study the technical and organizational aspects so as to give support to develop the energy systems on a broad basis to NPT developing countries, particularly Least Developed ones.

The Conference urges all Parties and the IAEA to consider the establishment of a Special Energy Fund to deal with energy technologies other than nuclear energy.

The Conference also urges that the study in this matter by IAEA may be submitted to the Parties in the course of 1991.

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PROPOSED FINAL DOCUMENT LANGUAGE RELATING TO ARTICLE V

Working paper submitted by Australia, Austria, Canada, Denmark, Finland, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden

The Conference notes that the potential for the peaceful application of nuclear explosions has not been demonstrated and that serious concerns have been expressed about the environmental consequences that could result from the release of radioactivity from the use of such explosions.

The Conference notes that no requests for services related to the peaceful application of nuclear explosions have been received by the IAEA since the Third NPT Review Conference and that no such requests have been directed to the IAEA since the Treaty entered into force.

The Conference confirms that, if the potential for the safe and peaceful application of nuclear explosions were demonstrated and were made available to non-nuclear-weapon States Party to the Treaty in accordance with Article V, the IAEA would be the appropriate international body through which such applications could be made available.

The Conference notes however that no nuclear-weapon State has an active program for the peaceful application of nuclear explosions.

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SUGGESTED ELEMENTS FOR THE FINAL DOCUMENT OF MAIN COMMITTEE III

Working paper submitted by the United States of America

ASSURANCES OF SUPPLY

The Conference recognizes that the NPT provides a sound framework for peaceful nuclear co-operation between its Parties and reaffirms that nothing in the Treaty shall be interpreted as affecting the inalienable right of any Party to the Treaty to research, develop, and use the atom for peaceful purposes without discrimination and in conformity with Articles I and II.

The Conference reaffirms the undertaking by all Parties to the Treaty, in accordance with Article IV and preambular paragraphs 6 and 7, to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy and the right of all Parties to the Treaty to participate in such exchange.

NUCLEAR SAFETY AND RADIOLOGICAL PROTECTION

The Conference urges that nuclear co-operation under the NPT give increased attention to nuclear safety and radiological protection. The Conference recommends continued work on international guidelines for operational and design safety. It notes the important role of national policy and infrastructure in assuring the safe design and operation of peaceful nuclear activities. The Conference also notes that international co-operation is important in assisting individual nations to establish the necessary policies and regulatory arrangements to support the safe use of the atom. The Conference commends the efforts of the IAEA in this respect and supports the maintenance of a continued professional approach to its programme on nuclear safety and radiological protection.

TECHNICAL ASSISTANCE AND THE IAEA

The Conference notes the contributions by many countries to the IAEA voluntary Technical Co-operation Fund and through other extrabudgetary means. It was also noted that the IAEA secretariat successfully managed the rapidly growing Technical Co-operation resources (a growth of over 50 per cent since 1985), while being restricted to essentially zero real-growth in the regular budget. The Conference records with appreciation that projects supported from these programmes covered a wide spectrum of applications, related both to power and non-power uses of nuclear energy.

The Conference commends the IAEA, following a recommendation of the First Review Conference of the Parties to the Treaty, in establishing a mechanism to permit the channelling of extrabudgetary funds to projects additional to those financed from the IAEA Technical Assistance and Co-operation Fund. The Conference notes that this channel has been used to make additional resources available for a wide variety of projects in developing States Party to the Treaty. States in a position to do so are encouraged to use this mechanism to support appropriate projects in developing countries Parties to the Treaty.

The Conference notes the significant level of bilateral co-operation in the peaceful uses of nuclear energy, and urges that States in a position to do so should continue their co-operation in these fields. At the same time, the Conference urges continued preferential treatment to non-nuclear-weapon States Party to the Treaty in gaining access to information and technologies for peaceful applications of nuclear energy.

PROMOTION AND FINANCING OF NUCLEAR POWER

The Conference commends the study by a Senior Expert Group sponsored by the IAEA entitled "Promotion and Financing of Nuclear Power Programmes in Developing Countries". This report represents a balanced and thoughtful examination of the existing constraints on nuclear power development in developing countries, the requirements to be met for successful introduction of a nuclear power programme, and mechanisms to assist developing countries in overcoming the identified constraints. The Committee notes that the IAEA plays an important role in assisting developing States in the development of nuclear power and encourages the IAEA to continue to include the four identified components (Energy and Nuclear Power Planning, Public Acceptance, Project Preparation and Implementation, and Nuclear Power Financing) in its programme of work.

UNCPICPUNE

The Conference took note of the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy held in 1987. It was noted that the Conference was highly successful in bringing together outstanding scientists and engineers from over one hundred countries who documented decades of achievements in the peaceful applications of the atom. The Conference recommends that the Conference's technical reports issued by the United Nations in a seven volume series (A/Conf.108/TR.1-7) be utilized by Governments in planning national programmes for development, use and safety of nuclear energy for peaceful purposes.

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PROHIBITION OF ARMED ATTACK ON NUCLEAR FACILITIES

Working Paper submitted by the Islamic Republic of Iran

The Conference recognizes that armed attacks on, or threat of attacks against nuclear facilities, operational or under construction, would jeopardize the development of peaceful uses of nuclear energy.

The Conference takes note of the resolutions adopted by the General Conference of the International Atomic Energy Agency, in particular GC(XXIX)/444, where its second operative paragraph considers, "any armed attack on and threat against nuclear facilities devoted to peaceful purposes constitutes a violation of principle of the United Nations Charter, International Law and the Statute of the Agency".

The Conference therefore recognizes that an armed attack on a nuclear facility, or threat of attack, would create a situation in which the Security Council would have to act immediately in accordance with the provisions of the United Nations Charter measures under Chapter VII, in particular. In this regard the IAEA could also be called on for emergency radiation protection assistance and other measures within its Statute.

The Conference considers that armed attack on nuclear facilities could result in the release of radioactivity with potentially grave consequences within and beyond the boundaries of the State which has been attacked.

The Conference encourages Parties to be ready to provide immediate assistance to any Party to the NPT, if it so requests, whose nuclear facilities have been subject to an armed attack, and calls upon all States to abide by any decisions taken by the United Nations.

GE.90-69303

The Conference calls on all States to consider becoming a Party to the 1977 First Additional Protocol to the 1949 Geneva Convention and on all States Party to the Protocol to consider in the context of a possible international conference, to improve the present régime with regard to the protection of nuclear facilities.

The Conference appeals to States that participate in the Conference on Disarmament to overcome their differences and urges co-operation of all States for the successful conclusion of this issue in the near future.